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From: Jane M. Roberts for Michele Morrow Legal Assistant to Gerald H. Glanzman	No. of Pages Including Cover Sheet: 22
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Appeal Brief.	
Re: Application No. 09/976,126 Attorney Docket No: RSW919980041US2	
Date: Friday, March 18, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dingsor et al.**Serial No.: **09/976,126**Filed: **October 11, 2001**For: **Method and Apparatus Load
Balancing Server Daemons within a
Server****36736**PATENT TRADEMARK OFFICE
CUSTOMER NUMBER§
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§Group Art Unit: **2145**Examiner: **Jason D. Cardone**Attorney Docket No.: **RSW919980041US2**Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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By:


Jane M. RobertsTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

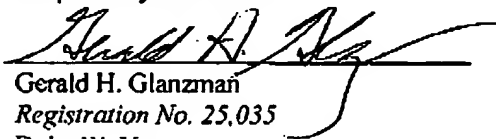
Sir:

ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of \$500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0461. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,



Gerald H. Glanzman

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ATTORNEYS FOR APPLICANTS

Docket No. RSW919980041US2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 18 2005

In re application of: Dingsor et al.

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Group Art Unit: 2145

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Serial No. 09/976,126

§

Examiner: Cardone, Jason D.

§

Filed: October 11, 2001

§

§

For: Method and Apparatus Load
Balancing Server Daemons within a
Server

§

§

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Certificate of Transmission Under 37 C.F.R. § 1.8(a)

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By:


Jane M. Roberts

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 1, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-41

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 1-15 and 21-37
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 16-20 and 38-41
4. Claims allowed: 18 and 39-41
5. Claims rejected: 16, 17, 19, 20 and 38
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 16, 17, 19, 20 and 38

STATUS OF AMENDMENTS

An Amendment after Final Rejection was not filed. Therefore, claims 16, 17, 19, 20 and 38 on appeal herein are as presented in the Response to Office Action filed July 28, 2004.

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dispatch layer 400 translates the destination address 347 to a process address for the identified process within the plurality of processes (see Figure 8, Specification, pg. 19, lines 11-17). In a fourth mode of operation, which is responsive to the third mode of operation, packet 402 is sent to packet routing layer 404 (see Figure 8, Specification, pg. 19, lines 11-17).

B. CLAIM 38 - INDEPENDENT

Claim 38 is a computer program product claim counterpart to claim 16 and recites similar subject matter to that recited in claim 16.

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